

1909-032 Chancery Causes: Edward S. Evans vs. Flora E. Evans
Lee Co.

Maness, Stapleton, Stacy, Napier, Kirk

CA-Divorce
T-Vices

To the Hon. H. A. W. Skeen, Judge of the Circuit Court
for Lee County.

Humbly complaining your orator, Edward S. Evans, will
respectfully show unto your Honor that about twelve years ago
he married one Flora E. Maness; that your orator now resides
in Lee County, Virginia, and has been domiciled in this State
and County more than one year next preceeding the institution
of this suit; that during their said marriage there was born
to them four children, to-wit, _____

_____ ; that during their said mar-
riage, to-wit, on the _____ day of _____, 1906, and on
divers other days and times, in said County of Lee where they
last cohabited, your orator's said wife Flora E. Evans, dis-
and without his consent, procurement or connivance
regarding her marriage vows [^] did commit adultery with one Louis
Stapleton; and that on or about the _____ day of December, she
finally abandoned and deserted your orator; and that your ora-
tor has not cohabited with his said wife nor has in ~~any~~ wise con-
do~~m~~ed her said acts, since he had knowledged and information
of the same.

Therefore in as much as your orator is remedless save
in a Court of Equity where matters of this sort are properly
cognizable, he prays that the said Flora E. Evans be made a
party defendant to this bill and be required to answer the same,
but an answer under oath is waived; that upon a hearing your
Honor will grant unto your orator a divorce, a vinculo matrimoni
from the said Flora E. Evans and that he be given the custody of
their said four children and for such other, futher and general
relief as in equity is meet and proper and your orator will ever
pray, etc.

Peruington Bros. P.Q.

Edward S. Evans. }

vs } Bill

Flora E. Evans

Filed 2nd Jan'y Rules, 1909.
H. C. P. Ewing,
Clerk

1909 2nd Jan'y Rules
Bill filed, Spas us
sent
" 1st Feb'y Rules
Cause set for
hearing.

Costs:

Clerk \$3.66

Tax 1.50

Shff. 1.00

atly 15.00

\$21.16

Edward S. Evans Comptroller
vs. } In Chancery
Flora S. Evans Deft.

It appearing that at
the Feb. term 1909 of the
Circuit Court for Lee County
a final decree was entered
in the above styled cause;
and it further appearing
there was filed in said
cause with the deposition
of A. J. Stacey a certain
letter marked exhibit "B"

And on the motion of
the plaintiff by his counsel
leave is given the said plain-
tiff to withdraw from the
files of this cause said letter,
but the clerk of this court
will make and file in
lieu of said letter a cer-
tified copy of said letter,
and will deliver said
^{original} letter to said plaintiff.

Edward L. Evans
no 7 order
Flora E. Evans

May - 11 - 1909

Enter
Hawthorn
Judge

Entered in C.O.P.
8, page 486

=====	#	
Edward S. Evans, Complainant.	#	
	#	
vs.	#	Decree.
	#	
Flora E. Evans, Defendant.	#	
	#	
=====	#	

This cause came on this the _____ day of February, 1909, to be heard upon said complainant's bill and the depositions of A. J. Stacy, et al, taken in Virginia before a Commissioner in Chancery, and filed in this case in behalf of the Complainant, and was argued by counsel.

On consideration whereof, and it appearing to the Court independently of the admission of either party in the pleadings or otherwise of this cause, that the said parties were lawfully married to each other; that since the said parties were married and without the consent, procurement or connivance of the said complainant the said defendant, Flora E. Evans, has been guilty of adultery; that the said complainant has not cohabited with the said defendant since obtaining knowledge of the said adulterous acts of the said defendant; that both the said complainant and defendant have resided and been domiciled in this State ever since their marriage and for more than one year next preceeding the commencement of this suit; and that the said complainant has in no-wise condoned the said adulterous acts of the said defendant; it is therefore adjudged, ordered and decreed that the said Edward S. Evans and Flora E. Evans be divorced from the bonds of matrimony which was created by the aforesaid marriage; and that the said marriage be, and the same is hereby dissolved and annulled.

And it is further ordered that the said plaintiff recover of the said defendant his costs by him in this behalf expended; and nothing further remaining to be done in this ^{cause} ~~suit~~, it is ordered that the same be stricken from the docket.

Edward S. Evans

or *Drum fima*

Flora E. Evans

Entered in C.O.B.
#8, page 435 etc.

Enter this

Feb- 8 1909

H. A. W. S. 1111

The depositions of W. T. Kirk and others, taken before me , R. E. L. Chumbley, a Commissioner in Chancery for the Circuit Court of Lee County, Va., pursuant to notice hereto attached, at the law office of E. W. Pennington, in the town of Pennington Gap, Lee Co., Va., on the 29th day of January, 1909, and between the hours of 9 A. M. and 3 P. M. , to be read as evidence in behalf of Edward S. Evans in a certain suit in chancery now depending in the Circuit Court for Lee County, wherein Edward S. Evans is complainant and Flora E. Evans is defendant

Present : E. W. Pennington, attorney for the complainant. No one for the defendant.

The witness , Edward S. Evans, being duly sworn, deposes as follows:

Give your name, age , residence and occupation

A. My name is Edward S. Evans. I reside in Lee County, Va., in the Pocket Country. I am 38 years of age. My occupation is farming and stave dealer.

2. Are you the plaintiff in this suit.?

A. I am.

3. Are you a married man and if so, state who your wife is and when you were married, as nearly as you can.

A. I am a married man. My wife is Flora E. Evans. Her maiden was Flora E. Maness. As I near as I can remember now ~~xxxx~~ we were married about twelve years ago.

4. If you and your wife have any children born and now living, give their names and ages.

A. We did have children born. There are now four living . Their names are William P. , Paul R. , Perry Olin and Robert Harvey

5. Do you and your wife now live together, and if you say you do not when did she leave you, as nearly as you can tell?

X. That is, if she did leave you.

A. No sir, we do not live together. She left me on the 15th day of December, 1908.

6. When she left you where were you?

A. I was at a saw mill in the mountain, away from home.

7. Did you know anything about her intending to leave you before she did do so?

A. I did not know anything about her leaving me until that day and on my return home from my work I found a note signed by her in my coat pocket, which I herewith file, marked "A", as a part of my deposition. Before I got home, however, I saw my wife, and she told me that she was going to leave me. Then after seeing her, I went home and found the note marked "Exhibit A".

8. You have stated that a part of your business is that of a slave dealer. Please state whether your business as slave dealer has necessitated your being away from home, and if so, how much of your time. And also state how long you have been engaged in the slave business.

A. My business as slave dealer does take me away from my home a greater part of my time and I have been engaged in the business of slave dealing for something like five years. In my business as slave dealer I was necessarily away from home often as long as two weeks at a time.

9. Do you own your own home, and if so, how long have you owned it?

A. Yes sir. ~~xxxxxx~~ It has been about eleven years since I obtained a deed for it.

10. If your wife has been guilty of adultery, was that brought about by your procurement or connivance?

A. It certainly was not.

11. If she has been guilty of adultery, have you in any way since you have had information ~~xxxxxx~~ that such acts were committed by her condoned her offense?

A. No sir, I have not.

12. Where ~~xxxxxx~~ do you now make your domicile and how long next before the institution of the suit against your wife have you lived there?

A. I now live in Lee County, Va., in the Pocket Country, and have been so living in Lee County all of my life. I have never had any other domicile or citizenship except in Lee County.

And further this deponent sayeth not.

Edward S. Evans

3.

A. J. Stacy, another witness , of lawful age, after being duly sworn, deposes as follows:

1. Give your name, age, residence and occupation.

A. My name is A. J. Stacy. I am 28 years of age . I reside in Lee County, Va., in the neighbourhood of Edward S. and Flora E. Evans. My occupation is farming and saw milling.

2. Do you know the defendant in this case, Flora E. Evans?

A. Yes sir, I do.

3. State whether you ever heard the defendant in this case say anything about having received a ring from any one . If so, state what she said about it.

A. On one occasion I think it was about the 4th of July, 1907, I ~~was at Mr Evans house and heard Mr Evans question his wife~~
~~about a ring~~ saw at the house of M. R. Kirk a ring which had the following initials in it; as well as I remember: "L. S. to F. E."

And about two weeks ago in a conversation with the defendant in this case about said ring she told me that it was a ring that Lewis Stapleton had given her.

4. State whether you ever saw Lewis Stapleton and the said defendant together, and if so, state where and when.

A. I don't remember to ever seen them together at any place.

5. If you know anything about the defendant's leaving her husband state what that is and when . And if she made any statement to you about leaving her husband, tell what it was.

A. As deputy sheriff of this county, I had the process in my hands to serve upon Mrs. Evans, and just before I did serve the process upon her I heard her say that she was going to leave Ed Evans and go to Appalachia. And my understanding is that she did leave that day and go to Appalachia .

6. If at any time you ever heard Mrs. Evans say anything about ~~going~~ going to Norton with Lewis Stapleton, state what she said about it and who paid her fare, hotel bill, etc.

A. I did hear Mrs. Evans say that she went to Norton with Lewis Stapleton; that she did not pay her own train fare, but that Lewis

said that he paid it for her; and that Lewis paid her hotel bill

7. Since Mrs. Evans has been reported to have left her husband, state whether you have heard her say anything about Lewsi Stapleton's visiting her at Appalachia.

A. About two weeks ago I heard Mrs. Evans say that she saw Lewis Stapleton at Appalachia and talked with him

8. I hand you a paper, dated July the 14th, 1907, . Please take this paper and state whether you ever heard Mrs. Evans make any statement concerning it. If so, state what she said, and file this paper as "Exhibit B", with your deposition.

A. About two weeks ago I heard Mrs. Evans say that the paper referred to in the above question was a note she said was from Lewsi Stapleton. I have examined the paper and herewith file it with my deposition.

9. State whether you ever saw any pictures of Mrs. Evans and Lewis Stapleton made together. And if you say that you did, state what Mrs. Evans said about it, if anything, and when she talked to you about it.

A. Something like a year or more ago in passing Mrs. Evans' house she showed me a picture of herself and Lewsi Stapleton made together on the same card. As I remember she said that she just got them. And my understanding is that they had had them made on their trip to Norton;

And further this deponent says nothing more.

A. J. Stacy

A. G. Napier, Jr., another witness, after being duly sworn, deposeth as follows:

1. Give your name, age, occupation and residence.

A. My name is A. G. Napier, Jr. I am 24 years old. I live in Lee County, Va., on the waters of Wolf Branch.

2. Do you know Flora E., Evans, the defendant in this case?

A. I do.

5.

3. Do you know Lewis Stapleton.?

A. Yes, sir.

4 State whether you and Lewis Stapleton ever went to Appalachia together; and if so, state when it was as nearly as you can , and for what purpose the said Lewsi Stapleton said that he ~~xxxx~~ was going there.

A. Mr. Stapleton and myself about the 2nd day of January, 1909, as I remember were on the train together going to Appalachia. On the way some where Mr. Stapleton said to me that he had a women up there that he was going to see, but he did not state who the women was.

5. After Mr. Stapleton got to Appalachia, state whether you saw him meet and talk with Flora Evans, the defendant in this case. If so, where was it?

A. ~~xxxxxxx~~ On the day that Mr. Stapleton and myself were in Appalachia, in passing along the street I saw Mrs. Eavans and Mr. Stapleton standing on the porch of some doctor's house talking. Some time after this and on the same night, at the skating rink at Appalachia, Mr. Stapleton paid her way into the skating rink and I saw them together, but I do not know what they were talking about.

6. If you know, state when Lewsi Stapleton came back from Appalachia on that trip.

A. He came back the next day.

~~xx~~ He came to St. Charles.

7. Did you ever see Lewis Stapleton and Mrs. Evans together at ay other place than at Appalachia, as above stated by you?

A. I did , something like a year ago see them together at Mr. Evans' but Mr. Evans was not at home. Mr. Stapleton and Mrs. Evans were in a room together when I got to Mr. Evans' house. I did not hear what they said. I left them there. They were in room and I in another. If there was any one in the room that they were in but themselves, I did not see or hear them.

And further this deponent sayeth not .

A J. Napier

Robert J. Stapleton, another witness, being duly sworn, deposeth as follows:

1. Give your name, age, residence and occupation.

A. My name is Robert J. Stapleton; my age is 48; my occupation is that of a farmer. I reside in Lee County, Va.

2. State whether you know the plaintiff and defendant in this suit.

A. Yes, sir I have known them about 20 or 25 years.

3. Do you know Lewsi Stapleton?

A. Yes, sir.

4. State if you ever saw Lewsi Stapleton carrying any trunk belonging to Mrs. Evans; if so, state when and where it was and the circumstances.

A. Something like a week or more before xmas of 1908, I was at Maness depot in this county, and Lewis Stapleton brought in a trunk and set it down. A little bit after he had set it down Flora Evans came in and opened it and went into it. I asked Mrs. Evans where she was going and she said that she was going away to spend xmas.

And further this deponent sayeth not.

Robert J. Stapleton

Jennie Stapleton, another witness, being duly sworn, deposeth as follows:

1. State your name, age and residence.

A. My name is Jennie Stapleton. I am 17 years old. I live in Lee County, Va.

2. Do you know Flora Evans?

A. Yes, sir.

3. State whether you ever heard Flora Evans say anything about leaving her husband; if so, state what she said and about how long ago it has been.

A. One day sometime last spring I was at Mr. Evans' house, but he was not at home, and Mrs. Evans said that she was going to leave Mr. Evans and I asked her what she would do with the baby. She said that she was going to take it with her. And I said to her suppose

7.

he won't let you take the baby, and she replied that she would swear that the baby did not belong to him.

And further this deponent sayeth not.

Witness :-

A. J. Stacy

Jennie ^{her} ~~x~~ _{mark} Stopfuton

Geo. N. Kirk, another witness, being duly sworn, deposeth as follows:

1. State your name, age, residence and occupation.

A. Geo. N. Kirk. I am 26 years old. I live in Lee County, Va., in the Pocket Country, near Demingo. I am a public school teacher.

2. State whether you know Flora E. Evans the defendant in this case; and if so, state how long you have known her.

A. I have known her for something like 15 years

3. State whether you ever saw the said Flora Evans in bed with any person other than her husband; if so, state when and where it was.

A. Some time in February or March, 1908, at Charles Burgans' house, in this county, I saw her in bed with, under the cover, and Vint Stapleton and Rufus Riddle on the same bed with her on top of the cover. Edward S. Evans, the plaintiff in this case, was not present at the time.

And further this deponent sayeth not.

Geo. N. Kirk

Va., Lee County, to-wit:

I, R. E. L. Chumbley, a Commissioner in Chancery for the Circuit of Lee County, Va., do hereby certify that the depositions of the aforesaid E. S. Evans, A. J. Stacy, A. J. Napier, Jr., Jennie Stapleton, R. J. Stapleton, + Geo. N. Kirk were duly taken, sworn to, and subscribed before me at the time and place and for the purposes in the caption hereto mentioned.

Given under my hand this the 29th day of January, 1909.

R. E. L. Chumbley

..... Commissioner

in Chancery.

Edward S. Evans
vs. Dep.

Flora E. Evans

Received by mail in
good condition and filed
January 30, 1909.

H. C. J. Ewing,
Clerk.

"B"

July 14 1907

Well i will write you a few lines as i cant See no chance for us to talk So i will tell you Some of What i heard to day i dont think it is So hope it aint he told it to day to a man he told me he Said last night he told you one of the two things you had to giv up one was Ring & Pictures & me or him he Said you handed them to him and he mashed them all to Peaces From yours

Truly

Virginia, Lee County, to-wit:

I, H. C. T. Ewing, Clerk of the Circuit Court for the county aforesaid, in the State of Virginia, do certify that the foregoing is a true and perfect copy of "Exhibit B" filed with the deposition of A. J. Stacy in the Chancery cause of Edward S. Evans Vs. Flora E. Evans, as I read same. In one place it is hard to tell just what it is, as it badly mixed up at this place.

Given under my hand, on this the 11th day of May, 1909.

H. C. T. Ewing, Clerk.

"B"

Filed with the
papers of this case
on May 11, 1909.
J. P. Ewing,
Clerk

To Flora E. Evans:

Take notice that on the 29th day of January, 1909 between the hours of 9 A.M. and 3 P.M. of that day at the law office of E. H. Pennington in the town of Pennington Gap, in Lee County, Virginia, I shall proceed to take the depositions of A. J. Napier Jr. and others to be read as evidence in my behalf, in a certain suit in equity now depending in the Circuit Court for Lee County, Virginia, wherein I am plaintiff and you are defendant; and if from any cause, the taking of the said depositions be not commenced, or if commenced be not concluded on that day, the taking thereof will be adjourned from day to day and from time to time, at the same place and between the same hours, until the same shall be completed.

Yours Respectfully
Edward S. Evans

Pennington Pass, p. 2.

Edward S. Evans

vs Notice

Flora E. Evans

Presented on the 13
day of January, 1909
by delivering a
true copy of the
within notice
to Flora E. Evans

A. J. Story, S. S.
for H. Y. Tucker
C. L. led

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Flora E. Evans

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *3rd* Monday in *January*, 190*9*, to answer a bill in chancery exhibited against *her*

in our said Court by Edward S. Evans

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *11th*
day of *January*, 190*9*, and 1*33rd* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

, Clerk

Edward J. Evans

VS

SUBPCENA
IN
CHANCERY

Flora E. Evans

Am. Broc. - p. q.

To 2nd January, Rules

Lee Circuit Court

1909
Executed on the 13.
day of January, 1909.
by delivering a true
copy of the within
summons to Flora
E. Evans in her

A. J. Stacy, D. L. S.
H. H. Tucker
L. C. Co.